

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED :
RAFAEL MUÑOZ	:	VIOLATIONS :
		18 U.S.C. § 1343 (wire fraud - 1 count)
	:	18 U.S.C. § 1029(a)(2) (access device fraud - 1 count)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

INTRODUCTION

At all times material to this Information:

1. Defendant **RAFAEL MUÑOZ** was residing at 615 Earp Street, Philadelphia, Pennsylvania.
2. Defendant **RAFAEL MUÑOZ** was employed by the Veterans Affairs Administration at the Medical Center located at University and Woodland Avenues in Philadelphia, Pennsylvania, where he met and befriended S.J.K., a co-worker.
3. The friendship between defendant **RAFAEL MUÑOZ** and S.J.K. lasted approximately 20 years during their employment together at the VA Medical Center, with S.J.K. ultimately developing a special trust in defendant **RAFAEL MUÑOZ**.
4. After her retirement from the VA in May 1994, and after S.J.K.'s health began to deteriorate to the point where she required a wheelchair, she decided to establish a

power of attorney to oversee her financial and medical decisions in the event she was unable to do so herself. On or about August 12, 2003, S.J.K. executed a document naming defendant **RAFAEL MUÑOZ** as power of attorney.

5. On or about May 2004, S.J.K.'s health required her to live at Ridgecrest Nursing Home, an assisted living facility located in Feasterville, Pennsylvania.

6. According to the terms of the power of attorney, defendant **RAFAEL MUÑOZ** was only authorized to access her Citizens Bank checking account for the purpose of paying the rent at the Ridgecrest Nursing Home, an apartment S.J.K. maintained at 4910 Longshore Avenue in Philadelphia, and occasionally, at her request, defendant **RAFAEL MUÑOZ** was allowed to make small ATM withdrawals on S.J.K.'s behalf.

THE SCHEME TO DEFRAUD

7. From in or about August 2003, through in or about January 2005, defendant

RAFAEL MUÑOZ

devised and intended to devise a scheme to defraud TransAmerica Life Insurance Company, Royal Bank of America and S.J.K., and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part of the scheme that:

8. On or about May 2004, defendant **RAFAEL MUÑOZ** told S.J.K. that it would be better for both of them if her mail was delivered directly to his residence at 615 Earp

Street, Philadelphia, Pennsylvania. S.J.K. agreed to have her mail sent directly to defendant **RAFAEL MUÑOZ'S** residence.

9. After S.J.K.'s mail began to arrive at defendant **RAFAEL MUÑOZ'S** residence, defendant **RAFAEL MUÑOZ** repeatedly gave excuses to S.J.K. as to why he did not bring her mail to her at the nursing home.

10. On or about August 4, 2003, without permission or authorization, and prior to S.J.K. naming defendant **RAFAEL MUÑOZ** as her power of attorney, defendant **RAFAEL MUÑOZ** sent an Annuity Distribution Form with S.J.K.'s forged signature to TransAmerica Life Insurance Company via facsimile requesting the withdrawal of approximately \$11,000 from two annuities.

11. From on or about September 11, 2003 through on or about November 23, 2004, defendant **RAFAEL MUÑOZ** presented TransAmerica Life Insurance Company with the power of attorney executed by S.J.K., and without S.J.K.'s knowledge, permission or authorization, caused approximately \$108,559.07 to be electronically transferred from S.J.K.'s annuities with TransAmerica to S.J.K.'s Citizens Bank checking account.

12. On or about January 2005, defendant **RAFAEL MUÑOZ** presented Royal Bank of America with the power of attorney executed by S.J.K. and without S.J.K.'s knowledge, permission or authorization, caused approximately \$7, 149.71 to be electronically transferred from S.J.K.'s Individual Retirement Accounts with the Royal Bank of America to S.J.K.'s Citizens Bank checking account.

13. Once the money was deposited by TransAmerica Life Insurance and Royal Bank of America in S.J.K.'s checking account, defendant **RAFAEL MUÑOZ** made numerous ATM withdrawals on various dates without the knowledge, permission or authorization of S.J.K.

14. On or about February 8, 1999, defendant **RAFAEL MUÑOZ**, without knowledge, permission or authorization from S.J.K., applied through the Internet for a Visa credit card for himself from Bank One, using the name and social security number of S.J.K.

15. On or about May 12, 2004, defendant **RAFAEL MUÑOZ**, without knowledge, permission or authorization from S.J.K., applied through the Internet for a Visa credit card for himself from Bank of America, using the name and social security number of S.J.K.

16. On or about October 15, 2004, defendant **RAFAEL MUÑOZ**, without knowledge, permission or authorization from S.J.K., applied through the Internet for a MasterCard for himself from Household Bank, using the name and social security number of S.J.K.

17. On or about October 15, 2004, defendant **RAFAEL MUÑOZ**, without knowledge, permission or authorization from S.J.K., applied through the Internet for an American Express credit card for himself from American Express, using the name and social security number of S.J.K.

18. On or about October 18, 2004, defendant **RAFAEL MUÑOZ**, without knowledge, permission or authorization from S.J.K., applied through the Internet for a MasterCard credit card for himself from RBS, using the name and social security number of S.J.K..

19. On or about October 27, 2004, defendant **RAFAEL MUÑOZ**, without knowledge, permission or authorization from S.J.K., applied through the Internet for a MasterCard credit card for himself from Citibank, using the name and social security number of S.J.K.

20. Defendant **RAFAEL MUÑOZ** used some of the money to pay for expensive vacations, gambling trips for himself and his roommate to Atlantic City and Las Vegas, and to obtain other things of value.

21. On or about August 4, 2003, in Philadelphia, in the Eastern District of Pennsylvania, defendant

RAFAEL MUÑOZ,

for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce signals and sounds, that is, an electronic transmission of funds from TransAmerica Life Insurance Company's servers in Cedar Rapids, Iowa to the Citizens Bank checking account in Philadelphia, Pennsylvania, belonging to S.J.K., which funds were diverted by defendant MUÑOZ for his own personal use.

In violation of Title 18, United States Code, Section 1343.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about May 19, 2004, in the Eastern District of Pennsylvania, defendant

RAFAEL MUÑOZ

knowingly and with intent to defraud used an unauthorized access device, that is, a Bank of America Visa Card, account number ending in the last four digits of 7240, in his name, to obtain merchandise and other things of value aggregating \$1,000 or more, totaling approximately \$7,282.88, during a one-year period and thereby affecting interstate commerce.

In violation of Title 18, United States Code, Section 1029(a)(2).

PATRICK L. MEEHAN
United States Attorney